in cases where indeterminate sentences have been imposed, and retrospectively in cases where sentence was passed in similar cases before the indeterminate sentence was instituted.

The board cannot parole a prisoner whose sentence is determined by law, and he holds, therefore, that life termers cannot be paroled.

In cases where the sentence is indeterminate, Judge Coco holds the board is not compelled to grant the parole, but should use its discretion—broadly speaking, it should judge between the applicant and society. In granting or refusing parole it should look into the conscience of the prisoner as well as the physical parts of the case, and consider the elements surrounding the crime to judge of the character of the prisoner. If the crime was attended with atrocity, the board has the right to consider that as bearing on the character of the prisoner, and as counterbalancing his good conduct while under restraint.—The Times-Picayune, Jan. 14.

POLICE.

New York Police Records.—Police Commissioner Woods has revised the entire system of police records in use in New York City. Arrests, accidents and complaints are now recorded by patrolmen on the street on loose leaf pocket memorandum forms which have been specially prepared in such a manner as to enable the patrolmen to check the pertinent data of each case with a minimum amount of writing. Formerly the patrolmen wrote these reports on scraps of paper or in their personal memorandum books.

In the station house the data of arrests, accidents and complaints are transferred to cards under the direction of the desk lieutenant instead of reports compiled from the books, are sent to headquarters. Each precinct sends its cards to the district inspector daily and the reports and returns from each district office are collected by a mail messenger in an automobile.

At police headquarters these cards of which an average of 2,000 are received daily, are transferred to punched Hollereth tabulating cards, under the direction of Mills E. Case, Secretary of the Department, who is statistician of wide experience.

By means of this system all police activities are so recorded and classified with a minimum of clerical labor that the department has a complete record of every case available at any time and is able to study different police problems by means of these Hollereth cards.

LEONHARD FELIX FULD, *New York City.*

Finger-Print Evidence.—Novelists have made us familiar with the bloody print of a finger tip that is found near the scene of crime and leads to the apprehension of the criminal; and to-day no detective who carries "coke" in his left arm is necessary in a case where so substantial a clue is found as an impress of the lineations of the guilty person's thumb. Moreover, Bertillon has taught the police the reliability of finger prints as a part of a system of identification far superior to the ordinary photograph. We are informed by a correspondent of the New York *World* (Aaron M. Blattman, city finger-print expert, in a letter published December 8, 1916) that identification by means of finger prints originated with the Chinese 2,000 years before Christ, and that as to the possibilities of two finger prints being exactly alike, Bulthazard, a French expert, calculated that the chances are less than one for every one

followed by sixty zeros. But only recently American courts have experienced the sensation of novelty in admitting finger-print evidence.

Apparently the question first arose in this country only a few years ago, when a certain Chicagoan seeking a dishonest livelihood broke into a dwelling house at an early hour of the morning, extinguished the night lamp, awakened the family, killed the father, and got away. The house had been freshly painted; on a railing near the window through which an entrance had been effected were found in the paint the imprint of four fingers of a left hand. At a trial of a suspect against whom there was only circumstantial evidence, enlarged photographs of these prints were compared by experts with photographs of impressions from the defendant's fingers. Concerning the admissibility of this evidence, the court said, in People *v.* Jennings, 252 Ill. 534: "While the courts of this country do not appear to have had occasion to pass on the question, standard authorities on scientific subjects discuss the use of finger prints as a system of identification, concluding that experience has shown it to be reliable. (10 Ency. Britannica,—11th ed.—376; 5 Nelson's Ency. 28; see also Gross' Crim. Investigation,—Adams' Transl.—277; Fuld's Police Administration, 342; Osborne's Questioned Documents, 479.) These authorities state that this system of identification is of very ancient origin, having been used in Egypt when the impression of the monarch's thumb was used as his sign manual; that it has been used in the courts of India for many years and more recently in the courts of several European countries; that in recent years its use has become very general by the police departments of the large cities of this country and Europe; that the great success of the system in England, where it has been used since 1891 in thousands of cases without error, caused the sending of an investigating commission from the United States, on whose favorable report a bureau was established by the United States government in the war and other departments. . . . When photography was first introduced it was seriously questioned whether pictures thus created could properly be introduced in evidence, but this method of proof, as well as by means of X-rays and the microscope, is now admitted without question. (Wharton on Crim. Evidence, —8th ed.—sec. 544; 1 Wigmore on Evidence, sec. 795; Rogers on Expert Testimony,—2d ed.—sec. 140; Jones on Evidence,—2d ed.—sec. 581.) We are disposed to hold, from the evidence of the four witnesses who testified and from the writings we have referred to on this subject, that there is a scientific basis for the system of finger-print identification and that the courts are justified in admitting this class of evidence; that this method of identification is in such general and common use that the courts cannot refuse to take judicial cognizance of it. Such evidence may or may not be of independent strength, but it is admissible the same as other proof, as tending to make out a case. If inferences as to the identity of persons based on the voice, the appearance or age are admissible, why does not this record justify the admission of this finger-print testimony under common law rules of evidence? The general rule is that whatever tends to prove any material fact is relevant and competent."

Subsequent to the rendering of that decision the same question came before the courts of New York and New Jersey; and in each jurisdiction the court took the view that, although the subject was a new one, yet the evidence was

admissible, on well recognized common law principles, to prove the identity of the person accused with the person by whom the crime was committed. And so evidence was received as to prints that had been made by a burglar on a balcony post (State *v.* Connors, 87 N. J. L. 419); also, prints made in blood by a murderer on the clapboards of a house (People *v.* Roach, 215 N. Y. 592); and made by a murderer on the hatchet with which the crime was committed (State *v.* Cerciello, 86 N. J. L. 309). In England, the same rule has been adopted where finger prints were found on a candle left by a burglar (In re Castleton, 3 Crim. Appeal Rep. 74).

A conviction of breaking and larceny has been sustained by the High Court of Australia where the only evidence of identification was obtained from finger prints found on a bottle. Parker *v.* The King, 14 C. L. R. Austr. 681, 3 B. R. C. 68. The prints in that case appear to have been exceptionally reliable, inasmuch as the natural lineations were reinforced by peculiar scars on one of the defendant's fingers. The court, however, based its decision on the general ground that the individuality of the corrugations of the skin on the human fingers makes the finger print "in reality an unforgeable signature."

Expert testimony as to finger prints is admissible for the reason that identification by such means is a science requiring study, although some of the reasons which guide the expert can be understood by any man of ordinary intelligence and eyesight. Cases which hold that expert opinion as to foot prints is not admissible do not conflict with this view, because conclusions as to foot prints can be more readily drawn by a jury than can conclusions as to finger prints. See People *v.* Jennings, 252 Ill. 534, and the note to People *v.* Roach, Ann. Cas. 1917A.

The courts have apparently not yet determined the question that will arise when some cautious defendant objects to having impressions of his finger tips taken for comparison with those found at the place of crime. In the New York case it seems that the defendant submitted to various experiments while awaiting trial. In State *v.* Cerciello, 86 N. J. L. 309, it appeared that the defendant while in custody was taken to the office of an expert on finger prints and was there induced, without threats, to sign his name on a sheet of paper, which act incidentally impressed his finger prints upon the sheet. The court admitted this evidence, holding that the act of the defendant which resulted in making the impressions was voluntary; but the court said that a condition on which the testimony is received is that so far as the defendant is concerned, he shall not have involuntarily contributed to its production, so as to cause him in legal effect to serve as a witness against his will to furnish testimony to convict himself under the rule adopted in New Jersey as part of the common law. It would seem, however, that an impression of the finger tips could be taken without any voluntary act on the part of the defendant, if only the defendant refrains from opposing the act of the officer; and in that case, it is submitted, the taking of finger prints bears a closer analogy to an ordinary identification or a searching of the defendant for evidence of guilt than it does to making him serve as a witness against himself. Furthermore, there is authority for the proposition that a person arrested on a charge of felony may before trial

be measured by the police department according to the Bertillon system, which includes the taking of finger prints. Downs *v.* Swann, 111 Md. 53, 73 Atl. 653. When criminals begin to realize the importance attached by prosecutors and courts to finger-print evidence, the rights of the accused on this point will be investigated and declared; or will "unforgeable signatures" fall into the disfavor of the better class of cut-throats and safe-crackers, and tell-tale marks be quietly omitted from the record of crime?—S. W. W. in *Law Notes,* Feb., 1917.

New York Police as Employment Agents.—Commissioner Arthur Woods has reported that during 1916 New York policemen found work for 700 former convicts. The policemen were not actuated by sentimental motives. "We have done it," said Mr. Woods, "because we believe it is one of the best ways of preventing crime."

Here is a line of work suggestive in its possible application to Chicago. Unemployed former convicts add greatly to the burden of police responsibility. Every ex-convict is a source of worry to the conscientious police official who is eternally expecting trouble. Further, the difficulty which released prisoners experience in obtaining work is notorious. And when out of work, like other members of the human race, they are much more likely to become law-breakers.

Assisting them to obtain work establishes a bond of friendship and it reduces the police problem of preventing crime. The convicts are glad to receive the assistance as long as—in the words of one of them—they are not affronted with "the prodigal son stuff." Again, this job-finding activity adds a human interest to the sometimes deadly routine of patrolling the beat. Commissioner Woods has come upon a useful idea. It is commended for local consideration. —Chicago Herald, Jan. 13, 1917.

Comparative Costs of European and American Police.—In the April Review[1] the writer presented some comparative statistics of British and American cities which indicated a much greater relative cost for the cities of the United States than for those of Great Britain. Since the publication of the article, the writer has received a number of inquiries as to the factors of this greater cost. Some of the correspondents have called attention to the different salaries paid all classes of employes in the two countries and inquired how far this difference explains the higher governmental costs noted. The answer to these inquiries has come to hand, with reference to costs of municipal police, in two recent publications. They are (1) a book published by the Century Company of New York entitled "European Police Systems," written by Raymond B. Fosdick, former commissioner of accounts of New York city, and (2) a volume on general municipal statistics issued by the census bureau as for the fiscal year of 1915, although most of the figures presented relate to the calendar year 1914. From the two publications is compiled the following table of minimum and maximum salaries of patrolmen of twelve European and thirteen American cities:

[1]See National Municipal Review, vol. V, p. 252.